

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SHAWN F. JONES,

Plaintiff,

v.

Case No. CV412-107

RONALD W. SPEARS, Warden,
VICKKIE BROWN, Asst. Warden,
LT. HILL; LT. ALLEN; SGT TINA
EDWARDS; and H. BADGER,
Counselor.

Defendants.

REPORT AND RECOMMENDATION

Defendants have moved for summary judgment in this civil rights case brought by inmate-plaintiff Shawn F. Jones. Doc. 45. Jones' response was due April 1, 2013. He moved for additional time -- "18 days, perhaps 21, to prepare a response. . . ." Doc. 48 at 1. He then stated that he needs another 60 days "to find out the results of the investigation that I've asked the Attorney General and Justice Department to conduct for destroyed documents." *Id.* He did not identify those documents, however. The Court granted plaintiff's motion (doc. 48) to this extent: He was required to place his summary judgment response within his

prison's mail system by April 22, 2013. Doc. 50 at 1-2.

Claiming unspecified "illegal activity" by this Court, Jones filed an April 24, 2013 letter to the Clerk (who docketed it as a motion) declaring that he was "forced" to dismiss his case "without prejudice," reserving his right to reopen it later. Doc. 52. Opposing his implied Fed. R. Civ. P. 41(a)(2) motion, defendants point out that they have litigated this case all the way to a summary judgment motion that Jones now seeks to dodge, so it would unfair to not reach their motion and grant them summary judgment. Doc. 53.

The Court agrees with defendants, deems their summary judgment motion unopposed under Local Rule 7.5, and finds it supported by the facts and the law. Hence, it should be **GRANTED** (doc. 45), and this case **DISMISSED WITH PREJUDICE**.

SO REPORTED AND RECOMMENDED this 10th day of June, 2013.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA